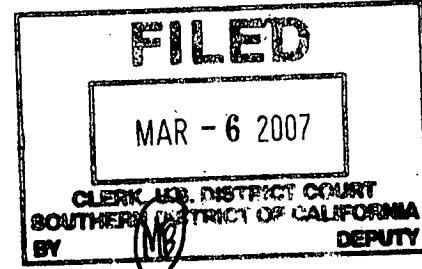


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11 Attorneys for Plaintiff
12 UNITED STATES OF AMERICA



13
14
15 UNITED STATES DISTRICT COURT
16 SOUTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,)
18 Plaintiff,)
19 v.)
20 SCOTT AARON LAWSON (2), (1) *MB*)
21 Defendant.)

Magistrate Case No. 07MJ0412

STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESS(ES) AND
ORDER THEREON

(Pre-Indictment Fast-Track Program)

16 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES
17 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and
18 Carla J. Bressler, Assistant United States Attorney, and defendant SCOTT AARON LAWSON, by
19 and through and with the advice and consent of defense counsel, John C. Ellis, Esq., Federal
20 Defenders of San Diego, Inc., that:

21 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing
22 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,
23 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead
24 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count
25 of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C.
26 § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

27 //
28 //

1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
2 provide the signed, original plea agreement to the Government not later than five business days
3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
5 before **March 23, 2007**.

6 4. The material witnesses Marco Antonio Bustamante-Pedraza, Ortencia Ortega-Castillo
7 and Oziel Ensiso-Osorio, in this case:

8 a. Are aliens with no lawful right to enter or remain in the United States;
9 b. Entered or attempted to enter the United States illegally on or about

10 February 20, 2007;

11 c. Were found in a vehicle driven by codefendant at the San Ysidro, California
12 Port of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that they were
13 aliens with no lawful right to enter or remain in the United States;

14 d. Were paying \$2,000-\$2,500 to others to be brought into the United States
15 illegally and/or transported illegally to their destination therein; and,

16 e. May be released and remanded immediately to the Department of Homeland
17 Security for return to their country of origin.

18 5. After the material witnesses are ordered released by the Court pursuant to this
19 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
20 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
21 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

22 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
23 substantive evidence;

24 b. The United States may elicit hearsay testimony from arresting agents
25 regarding any statements made by the material witness(es) provided in discovery, and such testimony
26 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
27 of (an) unavailable witness(es); and,

28 Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Scott Aaron Lawson (2)

1 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
2 “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted
3 and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant
4 waives the right to confront and cross-examine the material witness(es) in this case.

5 6. By signing this stipulation and joint motion, defendant certifies that defendant has
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
7 further that defendant has discussed the terms of this stipulation and joint motion with defense
8 counsel and fully understands its meaning and effect.

9 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
10 immediate release and remand of the above-named material witness(es) to the Department of
11 Homeland Security for return to their country of origin.

12 It is STIPULATED AND AGREED this date.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

16 Dated: 3/6/07

~~CARLA J. BRESSLER
Assistant United States Attorney~~

18 Dated: 2/28/07

JOHN C. ELLIS
Defense Counsel for Scott Aaron Lawson

21 Dated: 2/28/07

~~SCOTT AARON LAWSON~~
Defendant

ORDER

2 Upon joint application and motion of the parties, and for good cause shown,
3 **THE STIPULATION** is admitted into evidence, and,
4 **IT IS ORDERED** that the above-named material witness(es) be released and remanded
5 forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated: 3/6/07

Barbara J. Major
United States Magistrate Judge

United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

LAWSON

Defendant(s)

CRIMINAL NO. 07MT0412

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge, MAJOR

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed Order of Court).

Marco Antonio Bustamante-Pedraza

DATED: 3/6/07

Barbara L. Major

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED



DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by 

Deputy Clerk

M. BEFINING

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

LAWSON

Defendant(s)

CRIMINAL NO. 07 MJ 0412

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/ Magistrate Judge, MAJOR

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed Order of Court).

Oziel Ensisu - Ocorio

DATED: 3/6/07

Barbara L. Major

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED


DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by 

Deputy Clerk

M. BETH NING

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Plaintiff)

CRIMINAL NO. 07MJ 0412

vs.)

UNKNOWN

Defendant(s))

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge, MAJOR

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed Order of Court)

Ortencia Ortega-Castillo

DATED: 3/6/07

Barbara L. Major

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED

DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by W. Samuel Hamrick
Deputy Clerk